

## NEEDLE &amp; ROSENBERG

## IMPORTANT FAX DOCUMENT

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DATE March 11, 2005  
NAME Board of Appeals  
COMPANY USPTO  
FAX NUMBER 703 305 0942  
FROM Jacqueline M. Hutter  
REFERENCE NO. 03269.0029U2  
OUR FAX NUMBER 678-420-9301  
NUMBER OF PAGES 4

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2005 MAR 11 PM 3:25  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Re: U.S. Application No. 09/032,893  
Filed: February 27, 1998

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Attached hereto are the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences
2. Form PTO-2038 in the amount of \$170.00
3. Certificate of Facsimile Transmission dated March 11, 2005

## CONFIDENTIALITY NOTE

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ATTORNEY DOCKET NO. 03269.0029U2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
Bieser <i>et al.</i>	)	Art Unit: 1771
	)	
Application No. 09/032,893	)	Examiner: Juska, C.
	)	
Filing Date: February 27, 1998	)	Confirmation No. 1428
	)	
For: HOMOGENEOUSLY BRANCHED	)	
ETHYLENE POLYMER CARPET,	)	
CARPET BACKING AND METHOD	)	
FOR MAKING SAME	)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

VIA FACSIMILE (703 305 0942)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

March 11, 2005

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 16, 2004 rejecting claims 1, 3-6, 9-12, and 15-17.

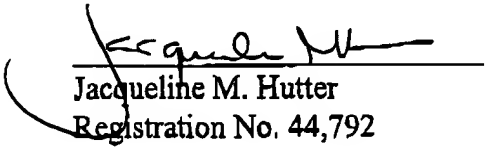
35 U.S.C. § 134 states that "an applicant for a patent...may appeal from a decision of the primary examiner to the Board of Patent Appeals and Interferences, having *once* paid the fee for such appeal" (emphasis added). The fee for filing a Notice of Appeal specified in 37 C.F.R. 41.20(b)(1) was previously paid with the Notice of Appeal mailed May 17, 2004. A credit card authorization in the amount of \$170.00 is enclosed, representing the difference in the notice of appeal fee originally paid and the fee currently due. This amount is believed to be correct;

**ATTORNEY DOCKET NO. 03269.0029U2**  
**APPLICATION NO. 09/032,893**

however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

  
Jacqueline M. Hutter  
Registration No. 44,792

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Customer Number 23859  
(678) 420-9300  
(678) 420-9301 (fax)

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to: (703) 305 0942, on the date indicated below.

  
Jacqueline M. Hutter

Mar 11, 2005  
Date